

Docket No.1232-5350  
Express Mail No. EV 356649483 US

27123

↑CUSTOMER NUMBER↑



16310 U.S.PTO  
032304

17613 U.S.PTO  
10/807815



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

(1) Keisuke HIRAI Tochigi, Japan

Additional inventors are listed on a separate sheet

For: OPTICAL APPARATUS

Enclosed Are:

56 page(s) of specification  
1 page(s) of Abstract  
5 page(s) of claims  
32 sheets of Formal Informal drawings  
1 page(s) of Declaration and Power of Attorney  
 Unsigned  
 Newly Executed  
 Copy from prior application  
 Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

Incorporation by Reference:  
 The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b)  
Signed statement attached deleting inventor(s) named in the prior application serial no. \_\_\_, filed \_\_\_\_.

Microfiche Computer Program (Appendix)  
 page(s) of Sequence Listing  
 computer readable disk containing Sequence Listing  
 Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

Assignment Papers (assignment cover sheet and assignment documents)  
 A check in the amount of \$40.00 for recording the Assignment  
 Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_.  
 Assignment Papers filed in the parent application Serial No. \_\_\_\_\_.  
 Certification of chain of title pursuant to 37 C.F.R. §3.73(b)  
 Priority is claimed under 35 U.S.C. §119 for:  
Application No(s). 2003-088477 filed March 27, 2003, in Japan (country).  
Application No(s). 2003-085231 filed March 26, 2003, in Japan (country).  
 Certified Copy of Priority Document(s) [\_\_\_\_]  
 filed herewith  
 filed in application Serial No. \_\_\_, filed \_\_\_\_\_.  
 English translation document(s) [\_\_\_\_]  
 filed herewith  
 filed in application Serial No. \_\_\_, filed \_\_\_\_\_.  
 Priority is claimed under 35 U.S.C. §119(e) for:  
Provisional Application No. \_\_\_, filed \_\_\_\_\_.  
 Information Disclosure Statement  
 Copy of [\_\_\_\_] cited references  
 PTO Form-1449  
 References cited in parent application Serial No. \_\_\_, filed \_\_\_\_\_.  
 Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)  
 A copy of related pending U.S. Application(s) Serial No(s): \_\_\_, filed \_\_\_\_\_.  
-2-

respectively, is attached hereto.

- A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.
- A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- Preliminary Amendment
- Return receipt postcard (MPEP 503)
- This is a  continuation  divisional  continuation-in-part of prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_, to which priority under 35 U.S.C. §120 is claimed.
  - Cancel in this application original claims \_\_\_\_\_ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  - A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- The status of the parent application is as follows:
  - A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.
  - A copy of the Petition for Extension of Time in the co-pending parent application is attached.
  - No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- Transfer the drawing(s) from the parent application to this application
- Amend the specification by inserting before the first line the sentence:  
This is  continuation  divisional  continuation-in-part of co-pending application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

I. CALCULATION OF APPLICATION FEE

|  | Number Filed                              | Number Extra | Rate             | Basic Fee<br>\$770.00/385.00 |
|--|---|--------------|------------------|------------------------------|
| Total Claims                                       | 5-20 =                                    | x            | \$18.00/ \$9.00  | \$ 000                       |
| Independent Claims                                 | 2-3 =                                     | x            | \$86.00/ \$43.00 | \$ 0.00                      |
| <input type="checkbox"/> Multiple Dependent Claims | If marked, add fee of \$290.00 (\$145.00) |              |                  | \$                           |
|  |   |              |                  | TOTAL: \$ 770.00             |

Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith  
\$ \_\_\_\_\_.

A check in the amount of \$770.00 in payment of the application filing fees is attached.

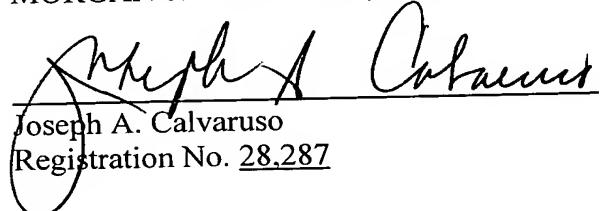
Charge fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-5350 A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: March 11, 2004

By:

  
Joseph A. Calvaruso  
Registration No. 28.287

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
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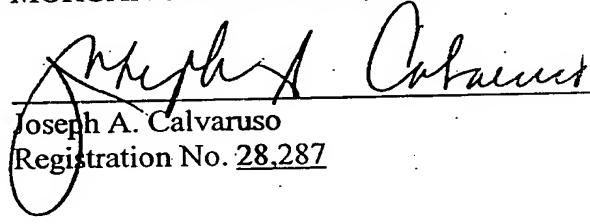
| I. CALCULATION OF APPLICATION FEE                  |              |   |                  |                         |
|--|--------------|---|------------------|-------------------------|
|  | Number Filed | Number Extra                              | Rate             | Basic Fee               |
|  |              |   |                  | \$770.00/385.00         |
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| Independent Claims                                 | 2-3 =        | x   | \$86.00/ \$43.00 | \$ 0.00                 |
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|  |              |   |                  | <b>TOTAL:</b> \$ 770.00 |

Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith  
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MORGAN & FINNEGAN, L.L.P.

Dated: March 11, 2004

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Joseph A. Calvaruso  
Registration No. 28,287

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Keisuke HIRAI

Group Art Unit: TBA

Serial No.: TBA

Examiner: TBA

Filed: Herewith

For: OPTICAL APPARATUS

**EXPRESS MAIL CERTIFICATE**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Express Mail Label No.: **EV 356649483 US**

Date of Deposit: **March 23, 2004**

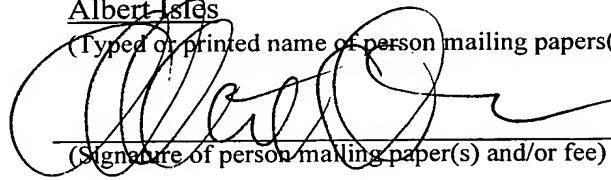
I hereby certify that the following attached paper(s) and/or fee

1. Utility application and fee transmittal – specification 56 abstract 1p; claims 5p;32 sheets of formal drawings, executed/declaration/oath 1p. and check in the amount of \$770.00
2. Recordation of Assignment and Assignment.
3. Data Entry Sheet
4. Return Postcard Receipt

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert Iates

(Typed or printed name of person mailing papers(s) and/or fee)

  
(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

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